

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : Case Nos. 1:16-CR-082
 : and 1:17-CR-072
 vs. :
 : (Judge Kane)
 FRANKLYN BENJAMIN MOLINA, :
 Defendant :
 :

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE YVETTE KANE
UNITED STATES DISTRICT COURT JUDGE
SEPTEMBER 20, 2017; 10:00 A.M.
HARRISBURG, PENNSYLVANIA

FOR THE GOVERNMENT:

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FOR THE DEFENDANT:

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2 West High Street
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ALSO PRESENT:

Crystal Bard, United States Probation Officer

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Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 MS. TAYLOR: Your Honor, this is the case of *United*
2 *States of America v. Franklyn Molina*, this court's docket
3 1:16-CR-82 and 1:17-CR-72. Mr. Molina is present represented
4 by Mr. Abom, and we are here today for Mr. Molina's sentencing.

5 THE COURT: All right. Mr. Abom, good morning.

6 MR. ABOM: Good morning, Your Honor.

7 THE COURT: I'm sure you've seen the presentence
8 report, which contains a guideline calculation of 180 to 210
9 months based on the statutory minimum. The offense level has
10 been calculated at 34 and a criminal history category two.

11 MR. ABOM: We have seen it. I have reviewed it with
12 Mr. Molina, addressed any concerns or issues he has had, and we
13 have not set forth any objections to the calculation and
14 sentencing range.

15 THE COURT: Is there anything you want to offer on
16 your client's behalf?

17 MR. ABOM: Very briefly. And I do note that
18 Mr. Molina has prepared a statement that he would like to read
19 to the court.

20 And just in summary, Mr. Molina, I think, has been
21 suffering himself from being a victim of a sexual offense, and
22 I don't think he necessarily has addressed all of the issues
23 that need to be addressed.

24 We recognize he had a prior offense while he was in
25 the Navy for which he did time, and now we have these two

1 offenses for which I believe the court will be sentencing.

2 The more serious of the two is a 15-year mandatory,
3 and so it sets a floor of an appropriate sentencing range of
4 180 months. There is another offense that carries a five-year
5 sentence, a five-year mandatory sentence, I believe. And we're
6 respectfully requesting the court impose those two sentences
7 concurrently and to impose a sentencing -- a guideline sentence
8 of 180 months.

9 He does -- in terms of a location, he doesn't have a
10 specific location but does ask the court to request to the
11 Bureau of Prisons that he be sent to a facility that would
12 offer both mental health treatment and also sexual offender
13 treatment. And while I think that's likely to happen, perhaps
14 a suggestion from the court --

15 *THE COURT:* Sure.

16 *MR. ABOM:* -- would help ensure that that does take
17 place. That's all I have.

18 *THE COURT:* Thank you. Do you wish to speak?

19 *THE DEFENDANT:* Yes, Your Honor. I have a statement
20 that I've prepared.

21 *THE COURT:* All right.

22 *THE DEFENDANT:* Your Honor, first I feel I must begin
23 by apologizing to the people I've hurt in my actions and my
24 irresponsible behavior. I -- excuse me. I never meant for any
25 of this to happen. I'm not excusing any of my actions, but I

1 feel at the very least I must explain myself.

2 I had sought this material because I was still
3 suffering from problems stemming from my past. As a child, I
4 had suffered from sexual molestation which had affected me far
5 too greatly. I had sought to relive my experience by once
6 again engaging in this inappropriate behavior.

7 I feel the shame from my reoffending because I didn't
8 continue to seek help on my past trauma. I thought I could
9 handle it on my own, but I was more than wrong. As a result, I
10 wound up hurting both myself and others who have been affected
11 by this sickness and depravity.

12 I admit that I do have a problem. All I want is help
13 for what I have done so I can return to society a better person
14 and do everything I can to help those who were victimized by
15 this experience.

16 I want to do everything I can just to make everything
17 right again. Even after I serve my time, I still want to
18 continue my therapy and counseling so this doesn't happen
19 again. I'm just sick and tired of giving into the sorrow.

20 While serving time at Adams County Prison, I have
21 learned a great deal from the programs offered, as well as the
22 mental health counselor, Ms. Jen Tucker. She has been
23 immensely helpful in my treatment and my situation.

24 And my counselor, my former counselor, Mr. Lyons, who
25 is now at York County, he has helped me learn how to control my

1 problems and avoid bad behavior and poor choices, such as
2 learning about things like ambivalence, for example.

3 It has also further helped me with the anger
4 management course and control therapy groups, just doing all
5 that I can to help myself and to stop hurting others, stop
6 reoffending, and to become a productive man again.

7 I could beat this problem as long as I have -- as long
8 as I have the people I love and care for support me, as they
9 always have, and continue my treatment.

10 I have faith in the Lord Jesus Christ that He will see
11 me through this and to help others who have suffered through
12 this abuse. I beg the court to consider this when giving a
13 sentence.

14 And, finally, I close out my statement with Psalm 32:
15 When I kept silence, my bones waxed old through my roaring all
16 the day long. I acknowledged my sin unto you and my iniquity
17 have I not hid. As I said, I will confess my transgressions
18 unto the Lord, and you forgave the iniquity of my sin. Be glad
19 in the Lord and rejoice, you righteous, and shout for joy, all
20 you who are upright in heart. Thank you, Your Honor.

21 *THE COURT:* All right. Thank you. Ms. Taylor.

22 *MS. TAYLOR:* Your Honor, I have no doubt that
23 Mr. Molina made some of those same types of statements to the
24 court that he stood before in 2009 when he was found guilty of
25 possessing child pornography at the general court-martial that

1 he faced when he was in the Navy for possession of child
2 pornography at that time.

3 He was given a 48-month sentence and a dishonorable
4 discharge, and there was an agreement that he would serve a
5 24-month sentence of imprisonment then.

6 Even though this is only the second time he's come
7 before a court for this type of behavior, this is really his
8 third strike because he has the conviction for the possession
9 of child pornography in 2009 and what he's before the court for
10 today are two separate offenses separated in time by
11 approximately six months.

12 In December of 2014, which is the 2016 docket, he
13 possessed child pornography on the devices that were seized --
14 I'm sorry, that's the 2017 docket. He possessed child
15 pornography, images of child pornography on devices that he had
16 at that time. And the ages -- when those devices were
17 forensically reviewed, the ages of the children on those images
18 were as young as four months to up to 12 years being sexually
19 abused by adults.

20 Even though those devices were seized by federal
21 agents in December of 2014, his interaction with federal law
22 enforcement authorities in December of that year did not stop
23 him from continuing this behavior. And new devices that he
24 obtained, he, again, was in online chat rooms in July of 2015,
25 and his activities in those rooms make up the basis for the

1 charges that he pled guilty to at the 2016 docket.

2 So, Your Honor, even though he was not charged at the
3 time those devices were seized in December of 2014 and he's now
4 being charged for those then, essentially he has three separate
5 acts of -- three separate times he's encountered law
6 enforcement, three separate times that child pornography has
7 been found, that he's been involved with child pornography by
8 law enforcement officers.

9 And but for the fact that his 2009 conviction was
10 charged and he was found guilty under a particular section of
11 the military code, he would actually be facing the 25-year
12 mandatory as a second offender here before this court. Because
13 it was done in the manner it was, he's not, and he's facing the
14 15-year mandatory on the 2016 docket.

15 Your Honor, I raise all those issues to point out,
16 because those are two separate issues, the December 14th, the
17 July, 2015, two separate dockets, clearly involve two separate
18 sets of victims, I would ask the court to impose sentences that
19 take that into account, into account that he, you know, even
20 encountering law enforcement on separate times, you know,
21 separated by six months, having already had one prior
22 conviction that he served time for, that the court impose a
23 15-year sentence on the one docket and a five-year sentence on
24 the other and run those consecutively.

25 *THE COURT:* All right. Counsel, I understand there's

1 an appellate waiver here, but it's still incumbent upon the
2 court to consider the 3553(a) factors, which I have done here.

3 I've considered the nature and the circumstances that
4 bring Mr. Molina before the court. I'm aware of his prior
5 encounters with the law and his personal history that has
6 brought him to a place where this conduct is so compelling,
7 this need is so compelling that even appreciating the dire
8 consequences, he would reoffend and come before the court.

9 I'm impressed by the statement that he's made to the
10 court. I think he understands how serious the offense is, the
11 horrific effect that it has on the victims because he
12 personally has been witness to that, and I do believe that he's
13 going to do his best to conform his behavior.

14 Even with a minimum sentence, he has a long time to
15 take advantage of the counseling and programs that are
16 available at the Bureau of Prisons, and I'll certainly
17 recommend those to him.

18 A guideline range sentence is appropriate and fair
19 under all of the circumstances. I believe that the minimum
20 sentence is adjusted because of the statutory minimum and that
21 a sentence at the lower end of the guideline range would be
22 adequate to satisfy the need for a punishment and reflect the
23 seriousness of the offense on both offenses that bring
24 Mr. Molina before the court.

25 I've also considered sentencing disparity, and, again,

1 I believe that a guideline range sentence would be adequate and
2 would not result in a sentencing disparity.

3 Pursuant to the Sentencing Reform Act of 1984, it's
4 the judgment of the court that the defendant, Franklyn Benjamin
5 Molina, is hereby committed to the custody of the Bureau of
6 Prisons to be imprisoned for a term of 195 months. This
7 sentence consists of 195 months on each count to run
8 concurrently.

9 It's ordered that the defendant pay to the Clerk, U.S.
10 District Court, a special assessment of \$100 on each count due
11 immediately.

12 The court finds that the defendant does not have the
13 ability to pay a fine, but he shall make restitution in the
14 amount of \$40,000 payable to the Clerk, U.S. District Court,
15 for disbursement as follows: \$25,000 to Sarah; \$5,000 to Pia;
16 \$5,000 to Mya; and \$5,000 to Ava. Payment of interest is
17 waived. The defendant shall forfeit to the United States his
18 interest in certain properties described in the charging
19 document.

20 During the term of imprisonment, the restitution is
21 payable every three months in an amount after a telephone
22 allowance equal to 50 percent of the funds deposited into the
23 defendant's inmate trust fund account.

24 In the event that restitution is not paid in full
25 prior to the commencement of supervised release, the defendant

1 shall, as a condition of supervised release, satisfy the amount
2 due in monthly installments of no less than \$50 to commence 30
3 days after release from confinement.

4 On release from imprisonment, the defendant shall be
5 placed on supervised release for a term of 15 years to run
6 concurrently on each count. Within 72 hours of release, the
7 defendant shall report in person to the probation office in the
8 district to which he is released.

9 While on supervised release, the defendant shall not
10 commit any federal, state, or local crime and shall not possess
11 a dangerous weapon.

12 The defendant shall comply with the standard
13 conditions that have been adopted by the court and with the
14 following additional conditions:

15 The defendant must cooperate in the collection of a
16 DNA sample as directed by the probation officer unless a sample
17 is collected during imprisonment.

18 The defendant must participate in a mental health
19 treatment program and follow the rules and regulations of that
20 program.

21 The probation officer, in consultation with the
22 treatment provider, will supervise participation in the
23 program, which may include an evaluation and completion of any
24 recommended treatment. The defendant must take all mental
25 health medications that are prescribed by the treating

1 physician.

2 The defendant must not incur new credit charges or
3 open additional lines of credit without the approval of the
4 probation officer. The defendant must provide the probation
5 officer with access to any requested financial information and
6 authorize the release of any financial information. The
7 probation office may share financial information with the
8 United States Attorney's Office.

9 The defendant must apply all monies received from
10 income tax refunds, lottery winnings, judgments, and/or other
11 anticipated or unexpected financial gains to the outstanding
12 court-ordered financial obligation.

13 If the judgment imposes a financial penalty, the
14 defendant must pay that penalty in accordance with the schedule
15 of payments. He must also notify the court of any changes in
16 economic circumstances that might affect the ability to pay the
17 financial penalty.

18 The defendant must allow the probation officer to
19 install computer monitoring software on any computer as defined
20 in 18, United States Code, Section 1030(e)(1).

21 To ensure compliance with the computer monitoring
22 condition, the defendant must allow the probation officer to
23 conduct initial and periodic unannounced searches of any
24 computer subject to computer monitoring.

25 These searches shall be conducted for the purposes of

1 determining whether the computer contains any prohibited data
2 prior to installation of monitoring software, to determine
3 whether the monitoring software is functioning effectively
4 after its installation, and to determine whether there have
5 been attempts to circumvent the monitoring software after its
6 installation.

7 The defendant must warn any other people who use these
8 computers that the computers may be subject to searches
9 pursuant to this condition.

10 The defendant must participate in a sex offense
11 specific assessment. The defendant must participate in a sex
12 offense specific treatment program and follow the rules and
13 regulations of that program. The probation officer will
14 supervise participation in the program that could include an
15 evaluation and completion of any recommended treatment.

16 The defendant must not have direct contact with any
17 child that he knows or reasonably should know to be under the
18 age of 18 without the permission of the probation officer. If
19 the defendant has any direct contact with any child that he
20 knows or reasonably should know to be under the age of 18
21 without the permission of the probation officer, he must report
22 this contact to the probation officer within 24 hours.

23 Direct contact includes written communication,
24 in-person communication, or physical contact. Direct contact
25 does not include incidental contact during ordinary daily

1 activities in public places.

2 The defendant must not go to or remain at any place
3 where he knows children under the age of 18 are likely to be,
4 including parks, schools, playgrounds, and child care
5 facilities.

6 The defendant must not go to or remain at a place for
7 the primary purpose of observing or contacting children under
8 the age of 18. The defendant must not have contact with any
9 victims or any members of the victim's family.

10 And the defendant must submit his person, property,
11 house, residence, vehicle, papers, computers, other electronic
12 communications or data storage devices or media or office to a
13 search conducted by the United States probation officer.

14 Failure to submit to a search may be grounds for
15 revocation of release. The defendant shall warn any other
16 occupants that the premises may be subject to searches pursuant
17 to this condition.

18 The court finds that the defendant poses a low risk of
19 future substance abuse and therefore suspends the mandatory
20 blood testing requirement. It's my determination that the
21 sentence is sufficient but not greater than necessary to comply
22 with 18, United States Code, Section 3553(a) (2).

23 I have considered all seven factors set forth in the
24 statute, and I recognize that the guidelines, policy
25 statements, and amendments are advisory only. I find their

1 application in this case reasonable and appropriate under all
2 of the circumstances.

3 Mr. Molina, normally you would have a right to appeal
4 your conviction if you believed that the guilty plea you
5 entered was somehow unlawful or involuntary or if you thought
6 there was some other fundamental defect in the proceedings that
7 you did not waive by entering a guilty plea.

8 Normally you would also have a statutory right to
9 appeal your sentence under certain circumstances, particularly
10 if you thought the sentence I imposed on you was contrary to
11 law. However, a defendant may waive these rights as part of a
12 plea agreement, and you've entered into a plea agreement that
13 waives some or all of your rights to appeal your conviction
14 and/or your sentence.

15 These waivers are usually enforceable, but if you
16 believe the waiver you executed in this case is somehow
17 unenforceable, you're entitled to present that theory to the
18 appellate court. With few exceptions, any Notice of Appeal
19 must be filed within 14 days after sentence is imposed on you.

20 If you're not able to pay the costs of an appeal, you
21 may ask the court for leave to appeal in forma pauperis, and if
22 you ask, the Clerk of Court will prepare and file a Notice of
23 Appeal on your behalf.

24 Counsel, anything else for the record?

25 MS. TAYLOR: Yes, Your Honor. We would ask that

1 Counts 11 and 12 at Docket 16-CR-82 be dismissed as to this
2 defendant.

3 *THE COURT:* Motion granted. Anything else?

4 *MR. ABOM:* Your Honor, when you ordered restitution to
5 be paid, we would request that -- I don't know if this
6 automatically happens, but we'd ask that it be made joint and
7 several with any other defendants in any other cases who are
8 ordered to also pay restitution on behalf -- to these victims.

9 *THE COURT:* All right.

10 *PROBATION OFFICER:* Your Honor, that's not common
11 practice with this type of case. It's always just ordered as
12 it is. We've never been told otherwise for joint and several
13 because there are so many defendants being ordered for these
14 amounts at this point in time.

15 *MR. ABOM:* I understand. And so what I would suggest,
16 and not in any way condoning anything --

17 *THE COURT:* Right.

18 *MR. ABOM:* -- but if somebody's damages are \$25,000 or
19 \$5,000 and that's the damages, then it would be inappropriate
20 to order ten people to pay \$25,000 and that person be unjustly
21 enriched.

22 *MS. TAYLOR:* But, Your Honor, as Mr. Abom knows,
23 that's not the case in these situations, and that's not -- the
24 damages to these victims are not \$25,000. They're much higher,
25 and we are proportioning it per defendant. And that's -- you

1 know, so that amount is the amount for this defendant. It
2 should not -- the government's position is, it should not be
3 ordered joint and several.

4 *THE COURT:* I agree with you there, but I take
5 Mr. Abom's point that we don't really have an exact amount of
6 restitution owed by however many defendants have been
7 prosecuted, nor do I have any idea how many defendants have
8 been prosecuted on these particular cases.

9 *PROBATION OFFICER:* In most of the cases, also, the
10 restitution amounts are in the millions, and what the attorneys
11 are requesting for the victims are these lower amounts.
12 Additionally, we would have no way of knowing how many
13 defendants and which defendants across the United States have
14 been ordered to pay to each victim.

15 So it's my understanding this is the way they're
16 dealing with this because it's not just Mr. Molina that's
17 paying to these specific victims, there are hundreds of
18 defendants paying into these.

19 And we have, at this point, had some victims that are
20 saying they have been -- their restitution has been fulfilled
21 and they are no longer seeking restitution.

22 *THE COURT:* Right.

23 *MR. ABOM:* And perhaps I should have asked to see what
24 was requested. I mean, with all due respect to the government
25 saying, we've parsed this out, my review of the presentence

1 investigation report was that there was communication to each
2 of the victims.

3 *THE COURT:* Right.

4 *MR. ABOM:* And then the victims had attorneys
5 communicate directly with probation to make requests.

6 I don't know if they have parsed out -- I mean, I'm
7 not arguing that maybe it's millions, hundreds of millions of
8 dollars, and they happen to know that there are 500 defendants
9 being sentenced or not. I don't know how they go about slicing
10 that pie.

11 Or, I mean, I think an appropriate request on behalf
12 of somebody is to say, request it all on this defendant because
13 I don't know how many other defendants are going to get
14 sentenced. And with respect to record keeping, that's really
15 not -- I mean, unjust enrichment -- somebody shouldn't be
16 unjustly enriched.

17 *THE COURT:* We are aware, I'm certain -- I'm not
18 personally, but I'm sure somebody in this courtroom is aware of
19 how many times the particular victims in this case, how many
20 times Sarah, for example, has been notified that the
21 pornography related to her has been observed, revealed.

22 *MS. TAYLOR:* Your Honor, these are all common -- what
23 Mr. Abom is bringing up now post-sentencing --

24 *THE COURT:* Right.

25 *MS. TAYLOR:* -- are all things that defense attorneys

1 frequently raise with us during the plea agreement process.

2 MR. ABOM: Which is why we put that in the plea
3 agreement, that it be joint and several with any other -- I
4 mean, it's in Paragraph 21 of the plea agreement that it agrees
5 that restitution be paid as to any victim as joint and several
6 with any other co-defendants who are ordered to pay restitution
7 to that victim.

8 THE COURT: Okay.

9 MS. TAYLOR: Paragraph 21?

10 MR. ABOM: Restitution and child pornography cases.

11 THE COURT: Ms. Weida, what does the plea agreement on
12 file with the court reflect with regard to restitution?
13 Mr. Abom, what paragraph is it?

14 MR. ABOM: I have Paragraph 21. I think Ms. Taylor
15 had a plea agreement that I had sent to the government that
16 they were unhappy with, and so they came back to me with a
17 different one.

18 MS. TAYLOR: I just have all of them here, Your Honor,
19 so I have the correct one.

20 MR. ABOM: I have it as Document 425.

21 THE COURT: 425? Okay.

22 PROBATION OFFICER: Your Honor, if it's the one I
23 have, it also agreed that the defendant would pay a minimum of
24 \$50,000 per victim, which was not done in this case. I don't
25 know if this -- this is the one I have filed on Document 425,

1 filed February 28th.

2 *THE COURT:* Is that the last version of the plea
3 agreement? May I see it?

4 *MS. TAYLOR:* I believe it is, Your Honor.

5 *THE COURT:* Okay.

6 *PROBATION OFFICER:* There is some written stuff in
7 here, but I don't see -- this is the one I have, Your Honor.
8 I'm not saying that is the most recent, but I believe.

9 *MS. TAYLOR:* Your Honor, what Mr. Abom is referring
10 to -- well, I'll let the court read it.

11 *THE COURT:* Okay. So what is it, counsel?
12 Ms. Taylor, you wanted to say something about the agreement?

13 *MS. TAYLOR:* No, Your Honor, if the court's read it.

14 *THE COURT:* So he agrees that it's \$50,000 to any
15 victim and that the \$50,000 would be joint and several with any
16 other co-defendants ordered to pay restitution to that victim.
17 Have any other co-defendants been ordered to pay restitution?

18 *PROBATION OFFICER:* It's very possible to these. Off
19 the top of my head, I do not know which ones currently would
20 have been ordered without doing a search of all the ones that
21 have recently been sentenced.

22 *THE COURT:* In this case.

23 *PROBATION OFFICER:* With respect to this case. I
24 would not be able to tell the court, of course, all over the
25 United States.

1 *THE COURT:* No, and that's not a co-defendant.

2 *PROBATION OFFICER:* Correct.

3 *MS. TAYLOR:* And, Your Honor, we wouldn't --

4 *THE COURT:* Go ahead.

5 *MS. TAYLOR:* These victims that -- of the possessory
6 offenses and the receipt offenses have not requested \$50,000 in
7 restitution from Mr. Molina. That provision -- they have
8 requested the amounts that the court has ordered.

9 That provision, as it's stated in the plea agreement
10 with the \$50,000 amount, is the provision that's in the plea
11 agreements relating to Victim 1 in the --

12 *THE COURT:* The Augusta case.

13 *MS. TAYLOR:* Yes, Your Honor. As the court can see,
14 the handwriting in the agreement is Mr. Abom's, so that
15 provision was amended, but the amount wasn't.

16 So, unfortunately, the situation we're in now is that
17 the provision of the plea agreement that Mr. -- what Mr. Molina
18 has agreed to is to pay \$50,000 to each victim, which, of
19 course, is not what they've requested. And so it seems --

20 *THE COURT:* So the government waived that provision.

21 *MS. TAYLOR:* In essence, Your Honor, I guess that
22 would be true, because we're certainly not requesting \$50,000.

23 *THE COURT:* Right. So the only question here is
24 whether the 25,000 to Sarah, the 5,000 to Pia, the 5,000 to
25 Mya, and the 5,000 to Ava should be made joint and several with

1 any co-defendants. And I don't remember, quite frankly,
2 whether any of the co-defendants in this case viewed this
3 particular pornography.

4 *MS. TAYLOR:* I believe there are. There are one or
5 two co-defendants that may have viewed some of those same
6 series. But nevertheless, Your Honor, the government's
7 position would be the same, that this type of restitution is
8 being apportioned per defendant --

9 *THE COURT:* Right.

10 *MS. TAYLOR:* -- and should not be joint and several.

11 *THE COURT:* All right. Well, that's his agreement
12 with the government. He agreed to plead guilty, and the
13 government made certain concessions, and one of those
14 concessions was that it would be joint and several with other
15 co-defendants, so that's what I'm going to order here.

16 *MS. TAYLOR:* But I thought Your Honor was saying we
17 had waived that provision.

18 *THE COURT:* You waived the \$50,000 provision, the
19 \$50,000 minimum restitution. The victims -- you say the
20 victims didn't request it, but I don't think --

21 *MS. TAYLOR:* They did not request that amount, that's
22 correct.

23 *THE COURT:* Right. But I don't think that would
24 require -- the fact that they didn't request it I don't think
25 would require the government to waive it, but you did waive it.

1 But --

2 MS. TAYLOR: I think we should, Your Honor.

3 THE COURT: Right.

4 MS. TAYLOR: I mean, in all candor.

5 THE COURT: But the defendant did not agree to waive
6 the commitment that the government made to him that it would
7 be joint and several -- restitution would be joint and several
8 with co-defendants in this case.

9 MS. TAYLOR: That's correct, Your Honor.

10 THE COURT: So that's the way I will make the order.
11 And then when we go forward, we'll have to ask probation to
12 look carefully at the agreements, and maybe other defendants
13 will have to have their restitution adjusted accordingly to
14 make sure that the victims are made whole.

15 But in this instance, in fairness to Mr. Molina, he
16 has an agreement that requires the court to order joint and
17 several restitution with any co-defendants who are ordered to
18 make payments to these same victims, and that's the way we'll
19 order it.

20 PROBATION OFFICER: And, Your Honor, for the ones that
21 have already been sentenced, we may have to amend their
22 judgment and commitment orders because we're probably going to
23 have some issues with the financial litigation unit as far as
24 imposing only joint and several on one defendant and not the
25 others if they're named. But I can look into that, and I can

1 advise if those judgment and commitment orders would need to be
2 amended.

3 THE COURT: I have a feeling I'll hear from the
4 government if that's the case. So we'll let it sit. Okay.

5 MS. TAYLOR: And, Your Honor, just --

6 THE COURT: Yes.

7 MS. TAYLOR: Just for the court's information going
8 forward, there would not be any other defendants that are
9 similarly situated to Mr. Molina because of his unique
10 situation in any of the additional -- the few additional
11 sentencings that we have outstanding. Other than the trial
12 defendants, none of those defendants would have agreements
13 similar to Mr. Molina's.

14 THE COURT: All right. Mr. Abom, anything else for
15 the record?

16 MR. ABOM: Nothing further, Your Honor.

17 THE COURT: Thank you, counsel.

18 MS. TAYLOR: Thank you, Your Honor.

19 THE COURT: We'll be in recess.

20 COURTROOM DEPUTY: Court is in recess.

21 *(Whereupon, the proceedings were adjourned at 10:40 a.m.)*
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25

CERTIFICATE OF OFFICIAL COURT REPORTER

I, Lori A. Shuey, Federal Certified Realtime Reporter, in and for the United States District Court for the Middle District of Pennsylvania, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-captioned matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated in Harrisburg, Pennsylvania, this 26th day of October, 2017.

/s/ Lori A. Shuey

Lori A. Shuey
Federal Certified Realtime Reporter